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From: Jeffrey A. Lewellyn [JALewellyn@wilkinsonlaw.com]
Sent: Monday, April 11, 2016 6:09 PM
To: Azar, George; DeBaun, Curtis; Morris, Don; Auler, Amy; Elliott, Earl; Nasser, Karrum; Nation, Todd; Garrison, Neil; Crossen, Martha
Cc: Edwards, Michelle; Brad Emmert; Ragle, John
Subject: Beau Monde, LLC rezoning; S.O. 5
Attachments: Ltr Council 4-11-16.pdf

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CITY CLERK

Ladies and Gentlemen,

Attached is written correspondence to the Common Council for your consideration.

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April 11, 2016

Common Council of the City of Terre Haute, Indiana
17 Harding Avenue
Room 102 City Hall
Terre Haute, IN 47807

Re: Rezoning 601 Fruitridge Avenue

Ladies and Gentlemen:

As you know, I represent the petitioner in the above referenced matter, Beau Monde, LLC and the proposed purchaser and developer of the subject property, Emmert Group, LLC. I feel it is important to respond to some of the comments and information presented at last Thursday evening's Sunshine meeting by those in opposition to the proposed rezoning.

When you listen to the comments on whole, their position is one of not wanting any type of development other than single family owner-occupied homes on this property. Given that our rezoning request relates to a multi-family luxury apartment complex, it seems that no matter what type of design or site plan is submitted, it will not be acceptable to those objecting neighbors. So it really comes down to what is acceptable to you, the Council members who are charged with the duty of determining appropriate uses of land and development in the City of Terre Haute.

Jeremy Chapman and Brian Payne, two local residents, spoke on behalf of the opposition presenting reports which included their calculations relating to the effect of traffic in the area and the financial impact of this project versus other options. First, with regard to the issue of traffic, as you know, a preliminary study was completed by The Corradino Group using traffic counters to offer their initial opinion. The result was such that the traffic impact from the proposed development was so negligible that no further study was recommended. The Corradino Group is a trusted resource used by the City of Terre Haute for some of its own projects. Mr. Chapman took issue with the preliminary report because it was not a full traffic study as may be completed under state traffic regulations. Such full traffic study is not a requirement for the rezoning, but if such were required by the Council prior to approval of this project or if approval is granted subject to an acceptable full traffic study, then one could certainly be done. But, what really needs to be considered is that Mr. Chapman's information would be as applicable to a housing subdivision completed in the form of single family owner-

occupied dwellings as it is to the multi-family luxury apartment complex. Based on information from the Joint Center for Housing Studies, Harvard University, on average the single family owner-occupied home owns 2 vehicles per household, while the average apartment resident has 1 vehicle per household. Further, single family residents generate 42% (weekday) and 58% (weekends) more trips per day than apartment residents. Therefore, a subdivision development with 60 homes, as may be developed in this area, may well result in more traffic than the proposed apartment project with 130 units. So, the alleged cost that would be necessary to develop the streets, traffic signals and traffic infrastructure in this area, as argued by Mr. Chapman, is just as applicable to the type of project that they are promoting. There is no real added expense to the City when considering the apartment complex versus single family owner-occupied housing. Their argument that the apartment complex will create traffic issues is really then only an argument against any development whatsoever. As compared to the traffic that exists currently, any development will be an increase in traffic in the area. Increased traffic and growth is a positive for the City, not a negative.

With regard to the financial impact that would result from the proposed luxury apartment development, the opposition attempted to argue again, that single family owner-occupied homes would provide similar financial impact. There are two problems with that argument. The opposition argues that the financial impact over the first 10 years would only be approximately One Million Dollars more with the apartment complex than a home owner subdivision. Their argument is based completely on assumptions and speculation as to the type of homes that would exist there and the assessed value. Even if we accept their numbers as accurate, it could easily be shown that the difference in value would be many times greater than One Million Dollars if the development becomes low cost homes of minimum square footage on minimum sized lots. However, more importantly, their calculation is based on an entire subdivision of homes suddenly appearing almost as if overnight during the next few months in order to be taxed at their argued rate, produce sewer fees and generate any other related revenue. As we all well know, Beau Monde, LLC started its project more than a decade ago with the goal of finishing out a PUD mixed-use subdivision for this property. Since that time, only six homes have been built. Last year in the entire City of Terre Haute, only 20 residual building permits were issued. The growth and financial impact argued by the opposition is an illusion. The growth and financial impact offered by the proposed project is real and immediate.

The other objections relate to matters that play on emotions. We should all be able to recognize, as our Area Planning Department staff stated in their report, that the statements of increased crime, mischief, and lack of care and

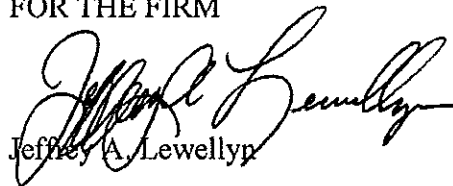
respect for property are all misconceptions that should not be given weight. The effect on the "historic" Ohio Boulevard is also a far reach. I would pose the question: Has First Financial Bank, Meadows Shopping Center, Baesler's Market, Price Chiropractic, Meadows Manor East, Sycamore Manor, or any of the other non-single family homes in the area destroyed the historic Ohio Boulevard? Again, I think we can all answer and recognize that they have not. This project would be no different.

Finally, you have heard from your Area Plan Department professionals as well as our independent certified planner who have all told you that this is an appropriate development for this site. One of the opponents, Ms. Michelle Marincel Payne, did bring up a valid point that a rezoning of the property would allow any future development plan that would satisfy the standards for R-3 development. Beau Monde, LLC and Emmert Group, LLC are both agreeable to the establishment of covenants and restrictions that would limit the ability to develop this property in any other manner than that which has been submitted as our site plan with the approximate 3.5 acre nature reservation area and the buildings of the quality and materials as presented to this Council, together with a filed Subdivision Plan to match the same. We have heard from several of those in opposition that the proposed plan as presented is very appealing in appearance. We believe this is a very real and reasonable way to address the neighbors' concerns that something other than what we are presenting would ultimately be developed.

I would be glad to meet with and discuss with any of you any questions or concerns that you may have at this time. Thank you again for your time and attention in this matter.

Very truly yours,

FOR THE FIRM

A handwritten signature in black ink, appearing to read "Jeffrey A. Lewellyn", written over a printed name.

Jeffrey A. Lewellyn

JAL/pmp